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**MEMORANDUM ENDORSED**

June 19, 2024

Hon. Gregory H. Woods  
United States District Judge  
500 Pearl Street  
New York, NY 10007

Re: Viahart v. Creative Kids  
Docket No. 20-9943

Dear Judge Woods:

I hereby make an application to extend my time to file my proposed supplement to the Court's Summary of Law in its preliminary instructions to the jury. The proposed supplement is ready for filing.

The proposal was due at 3:00 PM this afternoon. However, I did not file it at that time because I submitted my proposal by e-mail to plaintiff's counsel at 10:30 AM. I received a response from him at 2:35 PM. His e-mail stated that he objects to much of the language. I revised the proposal in an effort to satisfy his objections. I e-mailed him the proposed revisions at 2:55 PM. At 3:38 PM, plaintiff's counsel e-mailed me and objected to the revised language the grounds that it was "advancing legal argument." In a further effort to be on the "same page," I e-mailed him and asked him to explain why he deemed it to include legal argument. However, I did not get a response.

No prior application to extend the time for this proposed filing has been made. I e-mailed plaintiff's attorney and asked whether he would consent to extend my time. He has not responded to my request.

Respectfully yours,

*Solomon Rosengarten*


Solomon Rosengarten

Application denied. Defendants request an extension of time to file a supplement to the draft summary of law for the jury Dkt. No. 254. The parties have had since November 14, 2023, when the Court first set the deadline, to prepare the draft summary of law. Dkt. No. 203 (deadline of April 19, 2024); Dkt. No. 211 (extending deadline to May 3, 2024). The parties failed to timely file the joint draft, without explanation. The Court ordered them to do so no later than June 14, 2024, Dkt. No. 243, and the parties did so. Dkt. No. 244. At the June 14 conference, the Court noted that the joint submission, which Mr. Rosengarten signed, had no description of Defendants' counterclaims, which Mr. Rosengarten described as an oversight. The Court set a deadline, proposed by the parties, for the submission of an addendum to the draft summary of law. Mr. Rosengarten has yet again missed that deadline. The Court will consider Defendants' belated filing if filed by June 21, 2024, but does not consider it timely. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 254.

**SO ORDERED.**

cc: Charles Wallace, Esq. (via ECF)  
Jamie Wells, Esq. (via ECF).

Dated: June 20, 2024  
New York, New York

  
**GREGORY H. WOODS**  
United States District Judge